

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DANIEL CONTINO,)	
)	
Plaintiff,)	
)	
v.)	1:22-cv-300
)	
KILOLO KIJAKAZI,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

ORDER

On April 13, 2023, the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 19, 20.) No objections were filed within the time limits prescribed by Section 636.

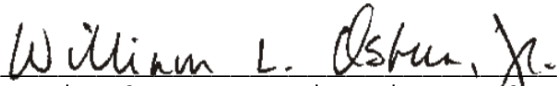
Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 19), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Judgment on the Pleadings, (Doc. 13), is **GRANTED IN PART**, Defendant's Motion for Judgment on the Pleadings, (Doc. 16), is **DENIED**, and that the Commissioner's decision finding no disability is **VACATED**. **IT IS FURTHER ORDERED** that this action is **REMANDED** to the Commissioner under sentence

four of 42 U.S.C. § 405(g) for further administrative proceedings, to include, but not limited to, reevaluation of 1) whether Plaintiff's Grade III anaplastic astrocytoma reached "complete remission" under Section 13.00H.2 of 20 C.F.R. Part 404, Subpart P, Appendix 1, and if so, the date on which Plaintiff's cancer entered "complete remission," and 2) whether, in light of the ALJ's findings with regard to "complete remission," Plaintiff's Grade III anaplastic astrocytoma continues to meet the criteria of Listing 13.13A.

A Judgment remanding this action will be filed contemporaneously with this Order.

This the 7th day of June, 2023.


United States District Judge